

REMARKS

In the final Office Action, the Examiner rejects claims 2, 3, 5-7, 11-15, 17, 20, 21, 23-25, 38, 40, 41, 45-47, 49, 51, 53-55, and 58-61 under 35 U.S.C. § 103(a) as unpatentable over a collection of articles relating to V-Commerce (Voice Commerce: "Motorola, Visa, BroadVision, and Other Team with Nuance to Introduce V-Commerce," PR Newswire, October 6, 1998; Voice Commerce: Brian Quinton, "Reach Out and Touch the Web," Telephony, October 19, 1998; Voice Commerce: Gregory Dalton, "Vendors Unite for Voice on the Web," InformationWeek, October 12, 1998; Voice Commerce: "BroadVision Joins V-Commerce Alliance," PR Newswire, October 6, 1998; and Voice Commerce: "Odeon Cinemas File Line Goes Live with Nuance Natural Language Speech Recognition," PR Newswire, October 20, 1998) (referred to hereinafter as "VC") in view of "BroadVision, Inc. Receives Patent for BroadVision One-to-one Application System Technology," PR Newswire, February 5, 1998 (referred to hereinafter as "PR NEWSWIRE"); rejects claims 4, 16, 18, 22, and 39 under 35 U.S.C. § 103(a) as unpatentable over VC in view of PR NEWSWIRE, and further in view of the taking of Official Notice; and rejects claims 8-10, 26-28, 30, 31, 33-335, 37, 42-44, 56, and 57 under 35 U.S.C. § 103(a) as unpatentable over VC in view of PR NEWSWIRE, and further in view of "VeriFone Offers Merchants Cost-Effective Access to Highly Secure Online Payment through ISPs; ISPs Gain Increased Revenue Opportunities with VeriFone Offerings," Business Wire, September 28, 1998 (referred to hereinafter as "VERIFONE").

By the present amendment, Applicants propose amending claims 2, 3, 5, 8-12, 15, 17, 20, 21, 23, 26, 27, 30, 33, 37, 38, 42, 43, 46, 49, 51, and 53-61 to improve form. No new matter has been added. Claims 2-18, 20-28, 30, 31, 33-35, 37-47, 49, 51, and 53-61 remain pending.

Claims 2, 3, 5-7, 11-15, 17, 20, 21, 23-25, 38, 40, 41, 45-47, 49, 51, 53-55, and 58-61 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over VC in view of PR NEWSWIRE. Applicants respectfully traverse this rejection in light of the claims, as currently amended.

At the outset, Applicants submit that the rejection of claims 38, 40, 41, and 45-47 is improper. Claims 38, 40, 41, and 45-47 depend from claim 37. The Examiner rejects claim 37 under 35 U.S.C. § 103(a) based on VC, PR NEWSWIRE, and VERIFONE. Therefore, any rejection of claims 38, 40, 41, and 45-47 must be based on at least VC, PR NEWSWIRE, and VERIFONE. In the final Office Action, the Examiner rejects claims 38, 40, 41, and 45-47 based on only VC and PR NEWSWIRE. Since the rejection of claims 38, 40, 41, and 45-47 is not based on VC, PR NEWSWIRE, and VERIFONE, the rejection of claims 38, 40, 41, and 45-47 is improper. Applicants request that the rejection of claims 38, 40, 41, and 45-47 be withdrawn.

Amended independent claim 54 is directed to a method of facilitating an electronic commerce transaction. The method includes operating a computer system that is unaffiliated with a second computer system utilized by a merchant to provide electronic commerce, where the computer system is configured to respond to an audio command representing an audio purchase request received via a telephone interface system of the computer system; in response to receiving the audio purchase request, causing the computer system to establish a communication link with the second computer system; and causing the computer system to electronically interact with the second computer system to perform the electronic commerce transaction initiated by the audio purchase request. VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, VC and PR NEWSWIRE do not disclose or suggest operating a computer system that is unaffiliated with a second computer system utilized by a merchant to provide electronic commerce, where the computer system is configured to respond to an audio command representing an audio purchase request received via a telephone interface system of the computer system. In stark contrast, VC is directed to integrating natural language speech recognition into web-based systems to allow customers to conduct electronic commerce transactions with the web-based systems via a telephone or the web. Thus, VC discloses integrating natural language speech recognition into a computer system utilized by a merchant to provide electronic commerce (see, for example, Voice Commerce: "Odeon Cinemas File Line Goes Live with Nuance Natural Language Speech Recognition," PR Newswire, October 20, 1998). VC does not disclose or suggest operating a computer system that is unaffiliated with a second computer system utilized by a merchant to provide electronic commerce, where the computer system is configured to respond to an audio command representing an audio purchase request received via a telephone interface system of the computer system, as required by amended claim 54. Support for the above feature can be found, for example, on pages 9 and 42-43 of Applicants' specification.

PR NEWSWIRE references a patent obtained by BroadVision – U.S. Patent No. 5,710,887. As correctly noted by the Examiner on pg. 8 of the final Office Action, this patent discloses an electronic mall server acting as a storefront server for at least one merchant desiring to retain its proprietary storefront. Each merchant in the BroadVision patent is affiliated with the electronic mall server that acts to facilitate electronic commerce between a customer and the merchants that are affiliated with the electronic mall server (see, for example, col. 7, lines 53-

63). Thus, neither PR NEWSWIRE nor the BroadVision patent discloses or suggests operating a computer system that is unaffiliated with a second computer system utilized by a merchant to provide electronic commerce, where the computer system is configured to respond to an audio command representing an audio purchase request received via a telephone interface system of the computer system, as required by amended claim 54.

For at least the foregoing reasons, Applicants submit that claim 54 is patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination.

Claims 2, 3, 5-7, 11-15, and 17 depend from claim 54. Therefore, these claims are patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 54.

Amended independent claims 55-61 recite features similar to (yet possibly of different scope than) features described above with respect to claim 54. Therefore, Applicants submit that claims 55-61 are patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 54.

Claims 20, 21, and 23-25 depend from claim 55. Therefore, these claims are patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 55.

Claims 38, 40, 41, and 45-47 depend indirectly from claim 58. Therefore, these claims are patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58. Moreover, as set forth above, Applicants submit that the rejection of these claims is improper.

Claim 49 depends from claim 59. Therefore, this claim is patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 59.

Claim 51 depends from claim 60. Therefore, this claim is patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 60.

Claim 53 depends from claim 61. Therefore, this claim is patentable over VC and PR NEWSWIRE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 61.

Claims 4, 16, 18, 22, and 39 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over VC in view of PR NEWSWIRE, and further in view of the taking of Official Notice. Applicants respectfully traverse this rejection.

At the outset, Applicants submit that the rejection of claim 39 is improper. Claim 39 depends from claim 37. The Examiner rejects claim 37 under 35 U.S.C. § 103(a) based on VC, PR NEWSWIRE, and VERIFONE. Therefore, any rejection of claim 39 must be based on at least VC, PR NEWSWIRE, and VERIFONE. In the final Office Action, the Examiner rejects claim 39 based on VC, PR NEWSWIRE, and the Examiner's taking of Official Notice. Since the rejection of claim 39 is not based on VC, PR NEWSWIRE, and VERIFONE, the rejection of claim 39 is improper. Applicants request that the rejection of claim 39 be withdrawn.

Claims 4, 16, and 18 depend from claim 54. Therefore, these claims are patentable over VC, PR NEWSWIRE, and the Examiner's taking of Official Notice for at least the reasons given above with respect to claim 54. Moreover, these claims are patentable over VC, PR

NEWSWIRE, and the Examiner's taking of Official Notice for reasons of their own.

For example, claim 4 recites that the user profile includes information obtained from a reverse directory lookup on the telephone identifying information. The Examiner admits that VC and PR NEWSWIRE do not disclose this feature and alleges "[t]he Examiner takes the position that conducting a reverse directory lookup based on telephone numbers to extract customer identifying information is old and well know in the telecommunications industry" (final Office Action, pg. 11). Applicants submit that the Examiner has misinterpreted the language of claim 4.

Claim 4 does not merely recite conducting a reverse directory lookup based on telephone numbers to extract customer identifying information. Instead, claim 4 specifically recites that the user profile includes information obtained from a reverse directory lookup on the telephone identifying information. Thus, even if conducting a reverse directory lookup based on telephone numbers is well known, Applicants submit that providing a user profile that includes information obtained from a reverse directory lookup on the telephone identifying information is not well known in the art.

For at least these additional reasons, Applicants submit that claim 4 is patentable over VC, PR NEWSWIRE, and the Examiner's taking of Official Notice.

Claim 22 depends from claim 20. Therefore, Applicants submit that claim 22 is patentable over VC, PR NEWSWIRE, and the Examiner's taking of Official Notice for at least the reasons given above with respect to claim 20.

Claim 39 depends indirectly from claim 58. Therefore, Applicants submit that claim 39 is patentable over VC, PR NEWSWIRE, and the Examiner's taking of Official Notice for at least the reasons given above with respect to claim 58. Moreover, as set forth above, the rejection of

claim 39 is improper and should be withdrawn. In addition, claim 39 recites a feature similar to (yet possibly of different scope than) a feature described above with respect to claim 4.

Therefore, Applicants submit that claim 39 is patentable over VC, PR NEWSWIRE, and the Examiner's taking of Official Notice for at least reasons similar to reasons given above with respect to claim 4.

Claims 8-10, 26-28, 30, 31, 33-35, 37, 42-44, 56, and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over VC in view of PR NEWSWIRE, and further in view of VERIFONE. Applicants respectfully traverse this rejection.

Claims 8-10 depend from claim 2. The disclosure of VERIFONE does not remedy the deficiencies in the disclosures of VC and PR NEWSWIRE set forth above with respect to claim 2. Therefore, Applicants submit that claims 8-10 are patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 2.

Claims 26-28 depend from claim 20. The disclosure of VERIFONE does not remedy the deficiencies in the disclosures of VC and PR NEWSWIRE set forth above with respect to claim 20. Therefore, Applicants submit that claims 26-28 are patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 20.

Amended independent claim 56 is directed to a computer system that includes a network interface including at least one program to access a second computer system using one or more of a SSL protocol, a HTTP, or a HTTPS, where the second computer system is utilized by a merchant to provide electronic commerce; a telephone interface to send and receive audio signals

to and from a telephone and to receive a telephone identifying information corresponding to the telephone; and a control subsystem to control the network interface and the telephone interface, the control subsystem being unaffiliated with the second computer system and facilitating an electronic commerce transaction with the second computer system. VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, VC, PR NEWSWIRE, and VERIFONE do not disclose or suggest a control subsystem to control the network interface and the telephone interface, where the control subsystem is unaffiliated with a second computer system that is utilized by a merchant to provide electronic commerce and facilitates an electronic commerce transaction with the second computer system. The Examiner does not address this feature with respect to the rejection based on VC, PR NEWSWIRE, and VERIFONE. Therefore, the Examiner has not established a *prima facie* case of obviousness with respect to claim 56.

Nevertheless, as set forth above, VC is directed to integrating natural language speech recognition into web-based systems to allow customers to conduct electronic commerce transactions with the web-based systems via a telephone or the web. Thus, VC discloses integrating natural language speech recognition into a computer system utilized by a merchant to provide electronic commerce (see, for example, Voice Commerce: "Odeon Cinemas File Line Goes Live with Nuance Natural Language Speech Recognition," PR Newswire, October 20, 1998). VC does not disclose or suggest a control subsystem to control a network interface and a telephone interface, where the control subsystem is unaffiliated with a second computer system that is utilized by a merchant to provide electronic commerce and facilitates an electronic

commerce transaction with the second computer system, as required by amended claim 56.

PR NEWSWIRE references a patent obtained by BroadVision – U.S. Patent No. 5,710,887. As correctly noted by the Examiner on pg. 8 of the final Office Action, this patent discloses an electronic mall server acting as a storefront server for at least one merchant desiring to retain its proprietary storefront. Each merchant in the BroadVision patent is affiliated with the electronic mall server that acts to facilitate electronic commerce between a customer and the merchants that are affiliated with the electronic mall server (see, for example, col. 7, lines 53-63). Neither PR NEWSWIRE nor the BroadVision patent discloses or suggests a control subsystem to control a network interface and a telephone interface, where the control subsystem is unaffiliated with a second computer system that is utilized by a merchant to provide electronic commerce and facilitates an electronic commerce transaction with the second computer system, as required by amended claim 56.

VERIFONE discloses applications that allow Internet Service Providers (ISPs) to deliver secure payment solutions to merchants. VERIFONE in no way discloses or suggests a control subsystem to control a network interface and a telephone interface, where the control subsystem is unaffiliated with a second computer system that is utilized by a merchant to provide electronic commerce and facilitates an electronic commerce transaction with the second computer system, as required by amended claim 56.

For at least the foregoing reasons, Applicants submit that claim 56 is patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination.

Claims 30 and 31 depend from claim 56. Therefore, these claims are patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, for at

least the reasons given above with respect to claim 56.

Amended independent claim 57 recites features similar to (yet possibly of different scope than) features recited above with respect to claim 56. Therefore, Applicants submit that claim 57 is patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given above with respect to claim 56.

Claims 33-35 depend from claim 57. Therefore, these claims are patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 57.

Claims 37 and 42-44 depend from claim 58. The disclosure of VERIFONE does not remedy the deficiencies in the disclosures of VC and PR NEWSWIRE set forth above with respect to claim 58. Therefore, Applicants submit that claims 37 and 42-44 are patentable over VC, PR NEWSWIRE, and VERIFONE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 58.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of the application and the timely allowance of the present application. Applicants respectfully request that the present amendment be entered because the present amendment places the application in immediate condition for allowance and places the application in better condition for appeal.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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